

REMARKS

Claim 1 remains in the application and has been amended hereby with claim 2 having been cancelled, without prejudice or disclaimer, and new claims 3-7 having been added.

Reconsideration is respectfully requested of the rejection of claim 1 under 35 USC 102(b), as being anticipated by Such.

As explained in the present specification and as shown in the drawings, the present invention, as recited in amended claim 1, for example, is intended to provide a headphone device having a headband and in which an ear device is provided with the headphone element in which the ear device contacts the ear of the user at a location where the ear joins the user's head, as shown in Fig. 4. In this way, the headphone device is arranged against the ear of the user but is supported by the ear device and not by pressure against the ear of the user. This permits the headphone device to be arranged at an angle of inclination that is the same as that of the ear of the user, as shown in Figs. 10 and 11.

Claim 1 has been amended hereby to emphasize the above-noted features of the present invention.

Such relates to a so-called ergonomic headset of the kind typically employed in the airline industry in which a so-called three-point support system is provided for the earphone piece. Specifically, a nape member presses against the back of the neck of the wearer, that is, against the nape of the neck, and the user's ears provide the other two points of

support by means of so-called ear cleft engaging segments that cover the ear regions and extend forward beyond the ear, as shown in Fig. 4 as noted by the examiner.

The present invention recited in amended claim 1 involves the headband being worn over top of the head of the user, a construction clearly taught to be avoided in the nape member system of Such. In addition, the plastic ear device of the present invention is attached to the inside of a hanger that is attached to the headband going over top of the head of the user. By use of this construction, the angle at which the headphone device contacts the ear of the wearer is substantially the same as the inclination of the hearer of the wearer, as shown in Figs. 10 and 11, for example.

No such construction or operability is suggested in Such because in the one case an insertion plug is employed and in another case the earpiece is simply arranged adjacent to the ear, as shown in Figs. 3 and 4.

Accordingly, it is respectfully submitted that amended claim 1 is not anticipated nor made obvious by Such.

The cancellation of claim 2 renders moot the rejection thereof under 35 USC 102(b).

In regard to the newly added claims, these claims all have the features noted hereinabove not shown or suggested in Such.

Accordingly, by reason of the amendments made to the claims hereby, as well as the above remarks, it is respectfully submitted that a specially constructed headphone device, as taught by the present invention and as recited in

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the amended claim is neither shown nor suggested in the cited references, alone or in combination.

Favorable reconsideration is earnestly solicited.

Respectfully submitted,

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